

R E M A R K S

The Examiner is requested to initial and make of record the information disclosure statement that was filed with this application. A copy of the originally filed information disclosure statement is attached as an appendix to this paper.

The amendment to page 2 of the specification corrects an error, and is consistent with lines 9-11 on page 4, and with original claims 2, 9 and 16.

Claims 1-27 remain in the application.

Dependent claims 5, 12 and 19 were indicated to be allowable. In view of amended claim numbering, these are now claims 5, 13 and 21.

The allowable subject matter of claims 5, 13 and 21 has been inserted in new claims 6, 14 and 22 which depend directly on independent claims 1, 9 and 17 instead of on intermediate dependent claims like allowable claims 5, 13 and 21.

The other claims were rejected under 35 U.S.C. § 103 on U.S. Patent No. 4,057,164 to Maier taken with U.S. Patent No. 6,239,365 to McEvers.

Maier discloses an electrical outlet box that has a mounting flange on only one side thereof for attachment to the front surface of a wall stud. There is no disclosure of any mounting flange on the opposite side of the box or any disclosure of a mounting flange for attachment to a side surface of a wall stud. The improvement that is disclosed and claimed in the Maier patent is the provision of an adjustable leveling screw 34 on the opposite side of the box from the mounting flange 28.

McEvers discloses an electrical outlet box having a side mounting flange 36 and a continuous peripheral flange 34 to which a vapor barrier is attachable by way of adhesive.

Vapor barrier flange 34 also may have fastener receiving holes 42 for attaching the vapor barrier flange to a front surface of a wall stud.

The Examiner's contention that McEvers teaches that it would be obvious to add the McEvers mounting flange 36 to the opposite side of the Maier box from flange 28 is not well taken. There is no motivation for a person of ordinary skill in the art to eliminate the vapor barrier flange 34 of McEvers and provide the side mounting flange 36 of McEvers on the opposite side of the Maier box from the flange 28.

McEvers teaches that the side mounting flange 36 should be on the same side of the box as the front mounting flange 34. Therefore, if the side flange 36 of McEvers were to be used in Maier, it would be on the same side of the box as the Maier flange 28 rather than on the opposite side thereof. In fact, adding a mounting flange to the opposite side of the Maier box would make the adjustable leveling screw 34 of Maier completely redundant when the mounting flange on that side of the box is used.

In reality, the Examiner is contending that it would be obvious to eliminate that part of the McEvers vapor barrier flange 34 that is on the same side of the box as the side mounting flange 36 while leaving in place that part of the vapor barrier flange 34 that is on the opposite side of the box. This completely destroys the teachings of McEvers and is not suggested by the art.

A side mounting flange alone is desirable as an option for mounting the box to eliminate any bulge in the drywall where it passes over a front mounting flange. This simplifies the finishing work required by a drywall finisher.

The Examiner contends that claims to the relative thickness and width of the mounting flanges are not patentable because these features do not solve any problem and are not for any particular purpose.

As the Examiner knows, the Patent Statute simply requires novelty and unobviousness. There is no requirement that in addition to novelty and unobviousness, otherwise patentable features also must solve a particular problem or be for a particular purpose.

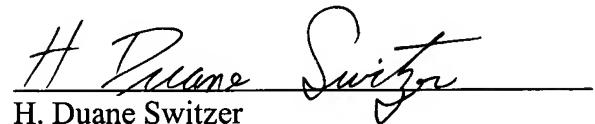
The side mounting flange B is desirably thin so as to minimize any bulge in the overlying drywall. The same problem does not exist for the side mounting flange C which can be thicker and more robust. Due to its thinness, side flange B is wider to provide added strength that meets the requirements for a load test. The thicker and more robust side flange C doesn't have to be as wide to meet the strength requirements.

McEvers shows a side flange and a vapor barrier flange of the same thickness. If the flanges are thin to minimize a drywall bulge, both flanges would be required on the same side of the box to meet the load test requirements. If the side flange and vapor barrier flange are thick enough such that only one of them would meet the load test requirements, the vapor barrier flange will create an undesirably large drywall bulge.

Claims 25-27 have been added to provide that the side of the box that has the side mounting flange C thereon is free of any flange that overlies the front face of a stud when the side mounting flange C is attached to the side of the stud. McEvers does not suggest such an arrangement, and does not suggest providing Maier with such an arrangement.

In the absence of more pertinent art, this application is now in condition for allowance.

Respectfully submitted,



H. Duane Switzer

Reg. No. 22,431

Jones Day

North Point

901 Lakeside Avenue

Cleveland, OH 44114-1190

216-586-7283